

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TAHOE REGIONAL PLANNING
AGENCY,

Plaintiff,

v.

DANIL REZIAPKINE,

Defendant.

No. 2:21-cv-02235-DAD-JDP

ORDER TO SHOW CAUSE

Plaintiff Tahoe Regional Planning Agency filed a complaint against defendant Danil Reziapkine initiating this action on December 3, 2021. (Doc. No. 1.) On November 1, 2022, the clerk issued an entry of default against defendant. (Doc. No. 20.) On December 28, 2022, defendant by and through counsel filed a belated answer to the complaint. (Doc. No. 21.) On January 18, 2023, plaintiff filed a motion to strike defendant's answer (Doc. No. 22), defendant did not file an opposition to the motion to strike, and on March 21, 2023, defendant's counsel appeared at a hearing on the motion (Doc. No. 25). The motion to strike defendant's answer was granted. (Doc. No. 25.) Since then, counsel for defendant has not filed anything with the court, nor has he appeared before the court.

On April 21, 2023, plaintiff filed a motion for default judgment. (Doc. No. 26.) Defendant's counsel of record filed no response, did not appear the June 1, 2023 hearing on the

1 motion, and did not file objections to the magistrate judge’s findings and recommendations.
2 (Doc. No. 28.) On July 21, 2023, the motion for default judgment was granted. (Doc. No. 31.)
3 In the order, the court permanently enjoined defendant from “operating a rental concession
4 without a permit and from anchoring or mooring any watercraft that he owns or controls in the
5 waters of Lake Tahoe, except for moorings that have been approved by plaintiff Tahoe Regional
6 Planning Agency.” (Doc. No. 31 at 2.) Judgment was entered in favor of plaintiff and against
7 defendant in the amount of \$75,000 for civil penalties. (Doc. Nos. 31, 32.)

8 On February 4, 2025, plaintiff filed a motion for an order to show cause why plaintiff
9 should not be held in civil contempt. (Doc. No. 36.) Plaintiff attached to this motion evidence
10 that defendant has continued to operate and expand an unpermitted boat rental concession on
11 Lake Tahoe in violation of the court’s judgment. (Doc. Nos. 36-2–36-6.) At the March 17, 2025
12 hearing on the motion, defendant’s counsel of record did not appear, and plaintiff’s counsel
13 reported that defense counsel declined to meet and confer regarding the motion.

14 Accordingly,

- 15 1. Counsel for defendant, attorney Joe M. Laub, is ORDERED TO SHOW CAUSE
16 why sanctions should not issue against him for failure to appear and failure to
17 respond to court orders. *See Mark Indus., Ltd. v. Sea Captain’s Choice, Inc.*, 50
18 F.3d 730, 732 (9th Cir. 1995) (noting the court has the inherent power to manage
19 its own proceedings and to “discipline the members of the bar who appear before
20 it”); *see also Erickson v. Newmar Corp.*, 87 F.3d 298, 303 (9th Cir. 1996) (noting
21 the court’s discretion under its inherent power to fashion an appropriate sanction);
- 22 2. Attorney Joe M. Laub shall appear before this court in Courtroom 4 of the
23 courthouse located at 501 I Street, Sacramento, California 95814 on **May 5, 2025**
24 at 1:30 p.m. and show cause at that time why sanctions should not issue against
25 him; and

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3. If counsel for defendant fails to appear at the scheduled hearing, the court may issue sanctions against counsel for defendant and enter an appropriate order against counsel for defendant at such time without further notice being given.

IT IS SO ORDERED.

Dated: **March 18, 2025**

Dale A. Drozd
DALE A. DROZD
UNITED STATES DISTRICT JUDGE